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82D CONGRESS, 1st Session | SENATE | REPORT No. 658

ROBERT JOSE TORIBIO

AUGUST 20 (legislative day, AUGUST 1), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 575]

The Committee on the Judiciary, to which was referred the bill (S. 575) for the relief of Robert Jose Toribio, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to provide for the admission into the United States of a minor alien child who has been adopted by citizens of the United States. The child would be considered to be a nonquota immigrant, which is the status normally enjoyed by alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is an orphan about 4 years of age who has been adopted by Mr. and Mrs. Zacarias Toribio who are presently residing in the Philippines and who are citizens of the United States. Mr. Toribio served in the United States Navy and was retired on May 1, 1951, after completion of 30 years of service.

A letter dated July 6, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

JULY 6, 1951.

Hon. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 575) for the relief of Robert Jose Toribio, an alien.

The bill would provide that for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, the minor child, Robert Jose Toribio, shall be considered the natural-born alien child of Mr. and Mrs. Zacarias Toribio, citizens of the United States.

The files of the Immigration and Naturalization Service of this Department disclose that, in an interview with Mrs. Herman E.Gibson of San Diego, Calif., it was learned that the beneficiary of the bill is an orphan about 4 years of age who has been adopted by Mr. and Mrs. Zacarias Toribio, presently residing in the Philippines. It appears that Mrs. Gibson is Mrs. Toribio's half-sister. According to the records, Mr. Toribio was admitted to United States citizenship in San Diego, Calif., on September 29, 1948. In his petition for citizenship he indicated that he was born in the Philippine Islands on September 6, 1898, that he was married in Lordsburg, N. Mex., on February 1, 1948, to Clarice Evva Toribio, who was born in Eagle Grove, Iowa, on November 28, 1903. He further indicated that he was then in the United States Navy, which he entered on May 23, 1921. The records of the Department of the Navy show that he was placed on the retired list on May 1, 1951, after completion of 30 years of service. Mrs. Gibson stated that the Toribios have no other children.

The quota of the Philippine Islands, to which the alien child appears to be chargeable, is oversubscribed and a quota immigration visa is not readily obtainable. The immigration laws accord the adopted children of United States citizens no preference in the issuance of immigration visas. Therefore, in the absence of special legislation the child is unable to come to this country for permanent residence with its adoptive parents, who apparently plan to return to this country.

Whether the instant bill should receive favorable consideration involves a question of legislative policy concerning which this Department prefers not to make any recommendation.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Senator William F. Knowland, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
February 7, 1951.

Hon. PAT MCCARRAN,
Chairman, Senate Judiciary Committee,
Washington 25, D. C.

DEAR SENATOR MCCARRAN: In further reference to my letter of January 24 relative to S. 575, a bill for the relief of Robert Jose Toribio, the minor adopted son of Mr. and Mrs. Zacarias Toribio, may I submit a few details as background information for your consideration of this bill.

Mrs. Toribio states she is an American citizen, her husband receiving his United States citizenship on September 29, 1948. This couple was married on February 1, 1948, and since they are unable to have children of their own, they applied to the Social Welfare Commission in the Philippines to adopt a "GI baby" and was given this child born on July 12, 1947, of a Phillippine girl and a Mexican by blood but an American-citizen father who is a soldier in the United States Army. At the time they adopted this child they did not realize the difficulty involved in bringing him into the United States with them. They have been in constant contact with the Immigration Division and the American Embassy where they had the child registered and received conflicting reports as to the restrictions in bringing their adopted son into this country. Under Public Law 717, Eighty-first Congress, second session, section 28(m) it does not appear that this child would be entitled to enter the United States as a nonquota immigrant. Mr. Toribio is eligible to retire from 30 years service in the United States Navy on August 9, 1951 and upon their return to the United States, will have sufficient funds to provide for a comfortable future.

I am enclosing a copy of the statement from Commissioner Asuncion A. Perez, Republic of the Philippines Social Welfare Commission in Manila, and the decision of the Court of First Instance of Manila relative to the adoption of Robert Jose Toribio.

We have advised the Immigration and Naturalization Service of our request of Mr. and Mrs. Toribio to furnish names and addresses of relatives and friends in the United States. When this information is received in a few days the Immi-

gration Service will be informed and they can undertake their work preparatory to submitting a report on S. 575 to your committee.

Your interest and action in the formulation of a report to be considered by the committee in reporting favorably on this bill to the Senate would be greatly appreciated.

Sincerely yours,

WILLIAM F. KNOWLAND.

REPUBLIC OF THE PHILIPPINES,
OFFICE OF THE PRESIDENT,
SOCIAL WELFARE COMMISSION,
Manila, September 5, 1950.

To Whom It May Concern:

This is to certify that on August 25, 1947, minor Charlie or Carlos de la Cruz was placed under the care of the social welfare commission by the child's mother who did not like to divulge her name nor that of the child's father for reasons known to her only. However, the woman informed us that the child's father is a Mexican by blood but an American citizen and that he was a soldier in the United States Army; that Charlie or Carlos de la Cruz was born on July 12, 1947, in the Philippines but the exact place of birth, woman would not reveal.

ASUNCION A. PEREZ,
Commissioner.

REPUBLIC OF THE PHILIPPINES COURT OF FIRST INSTANCE OF MANILA

CIVIL CASE NO. 11716. ADOPTION OF THE MINOR CARLOS DE LA CRUZ. ZACARIAS TORIBIO AND CLARICE EVVA TORIBIO, PETITIONERS

DECISION

This is a petition for the adoption of the minor Carlos de la Cruz by the spouses Zacarias Toribio and Clarice Evva Toribio. After due publication in the Manila Daily Bulletin, a newspaper of general circulation in the city of Manila, once a week for three consecutive weeks, the petition was then set for hearing. The office of the solicitor general was duly notified of the hearing and did not offer any objection to the adoption.

From the evidence adduced at the hearing, it has been shown that the petitioners have not been blessed with any child; that being very fond of children and desirous to have one, they applied to the social welfare commission to place a child under their care that the minor Carlos de la Cruz, was placed under their care on May 27, 1950 and they have grown to love the child as he was their own; that the petitioners are capable of maintaining for and educating the said minor; that the social welfare commission has consented in writing to the adoption of the minor by the herein petitioners as evidenced by the affidavit of the Social Welfare Commissioner and attached to the petition; that the adoption of the said child by the petitioners will be for the best interest and well-being of the boy.

Wherefore, the court hereby grants the petition of the spouses Zacarias Toribio and Clarice Evva Toribio to adopt the minor Carlos de la Cruz, and pursuant to rule 100 of the Rules of Court in the Philippines, henceforth, the child is freed from all legal obligations of obedience and maintenance with respect to his natural parents, and is, to all legal intents and purposes, the child of the petitioners. His name is changed to that of Robert Jose Toribio.

So ordered.

MANILA, PHILIPPINES, *September 4, 1950.*

(Signed) ALEJANDRO J. PANLILIO,
Judge.

A true copy: Manila, September 4, 1950.

[SEAL]

MACARIO M. OFILADA,
Clerk of Court.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 575) should be enacted.

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